

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

P & L DEVELOPMENT, LLC,

Plaintiff,

v.

GERBER PRODUCTS COMPANY, NESTLÉ
S.A., PERRIGO COMPANY PLC, L. PERRIGO
COMPANY, AND PBM NUTRITIONALS, LLC,
Defendants.

Civil Action No. 21-cv-5382-MKB-AYS

**DEFENDANT NESTLÉ S.A.’S MOTION TO DISMISS P & L DEVELOPMENT, LLC’S
COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(2)**

Defendant Nestlé S.A., by and through its undersigned counsel, MAYER BROWN LLP, and based on the accompanying memorandum of law, the declaration of Leanne Geale, and the record to date in the above-captioned action, hereby moves this Court for an Order: (i) dismissing the Complaint (ECF No. 1) pursuant to Federal Rule of Civil Procedure 12(b)(2), and (ii) awarding to Nestlé S.A. any further relief that this Court deems just and equitable.

Dated: January 21, 2022

Respectfully Submitted,

MAYER BROWN LLP

By:/s/ Carmine R. Zarlenga
Carmine R. Zarlenga
Oral D. Pottinger
1999 K Street, N.W.
Washington, DC 20006
Telephone: (202) 263-3000
Facsimile: (202) 263-3300
Email: czarlenga@mayerbrown.com
opottinger@mayerbrown.com

Attorneys for Defendant Nestlé S.A.